

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Tony M. DiTullio
Debtor(s)

Bankruptcy Case No.: 17-21819-CMB
Per June 18, 2020 Proceeding
Chapter: 13
Docket No.: 66 – 55, 58
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 6, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$3595.00 as of July, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Butler County TCB (CI #19) and (CI #2) .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: June 23, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Tony M. DiTullio
 Debtor

Case No. 17-21819-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: gamr
 Form ID: 149

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 Total Noticed: 31

Date Rcvd: Jun 23, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 25, 2020.

db +Tony M. DiTullio, 490 McKinley Road, Darlington, PA 16115-3108
 cr +PHH MORTGAGE CORPORATION, 14841 Dallas Pkwy Suite 425, Dallas, TX 75254-8067
 cr +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300, Highlands Ranch, CO 80129-2386
 14413334 +Butler Armco CU, 101 Hollywood Drive, Butler, PA 16001-7607
 14413335 +Butler County Tax Bureau, ATTN: Janet L. Mentel, PO Box 1208, Butler, PA 16003-1208
 14413337 +Citi, P.O. Box 6241, Sioux Falls, SD 57117-6241
 14413339 +Clarion County Tax Claim Bureau, 330 Main Street, Room 101, Clarion, PA 16214-1073
 14413343 +Internal Revenue Service, Dept. of Treasury, PO Box 9052, Kansas City, MO 64168-9052
 14675120 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, ATTN: Bankruptcy Department,
 PO Box 619096, Dallas, TX 75261-9741)
 14658696 +PHH MORTGAGE CORPORATION, 1 MORTGAGE WAY, MAILSTOP: SV01, MT. LAUREL NJ 08054-4624
 14413344 +PHH Mortgage, PO Box 5452, Mount Laurel, NJ 08054-5452
 14413345 +PNC Mortgage, P.O. Box 1820, Dayton, OH 45401-1820
 14660281 +Peoples TWP LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14756532 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 14791375 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14640730 E-mail/Text: ally@ebn.phinsolutions.com Jun 24 2020 04:32:03 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 14413333 +E-mail/Text: ally@ebn.phinsolutions.com Jun 24 2020 04:32:03 Ally Financial,
 PO Box 380901, Minneapolis, MN 55438-0901
 14413336 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 24 2020 04:41:25 Capital One Bank,
 PO Box 71083, Charlotte, NC 28272-1083
 14637233 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 24 2020 04:40:50
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14413340 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 24 2020 04:32:31 Comenity Bank,
 PO Box 182789, Columbus, OH 43218-2789
 14413341 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jun 24 2020 04:32:31 Comenity Capital/Bosco,
 PO Box 659622, San Antonio, TX 78265-9622
 14413342 E-mail/Text: mrdiscen@discover.com Jun 24 2020 04:32:11 Discover, P.O. Box 15192,
 Wilmington, DE 19850-5192
 14417013 E-mail/Text: mrdiscen@discover.com Jun 24 2020 04:32:11 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14664560 E-mail/PDF: resurgentbknofications@resurgent.com Jun 24 2020 04:41:00
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14678810 +E-mail/Text: bankruptcydpt@mcmeq.com Jun 24 2020 04:33:11 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 14413572 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 24 2020 04:41:30
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14519888 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jun 24 2020 04:32:57
 Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946,
 Harrisburg P A 17128-0946
 14672970 E-mail/Text: bnc-quantum@quantum3group.com Jun 24 2020 04:32:44
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14413346 +E-mail/PDF: gecsedirecoverycorp.com Jun 24 2020 04:41:16 SYNCB/Sam's, PO Box 965005,
 Orlando, FL 32896-5005
 14685399 +E-mail/PDF: gecsedirecoverycorp.com Jun 24 2020 04:41:54 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 14413347 +E-mail/PDF: gecsedirecoverycorp.com Jun 24 2020 04:41:57 Synchrony bank, PO Box 965005,
 Orlando, FL 32896-5005

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr NATIONSTAR MORTGAGE LLC
 cr Nationstar Mortgage LLC
 cr PHH Mortgage Corporation
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 cr* +Peoples TWP LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 cr* eCAST Settlement Corporation, PO Box 29262, New York, NY 10087-9262
 14413338* +Citi, P.O. Box 6241, Sioux Falls, SD 57117-6241
 14519899* Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946,
 Harrisburg P A 17128-0946
 14887408* +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386

TOTALS: 3, * 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0315-2

User: gamr
Form ID: 149

Page 2 of 2
Total Noticed: 31

Date Rcvd: Jun 23, 2020

***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 25, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 23, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Jerome B. Blank on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Lauren M. Lamb on behalf of Debtor Tony M. DiTullio
julie.steidl@steidl-steinberg.com;courtdocs.sands@gmail.com;acordell@steidl-steinberg.com;cgoga@steidl-steinberg.com;LambLR53037@notify.bestcase.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Lisa Cancanon on behalf of Creditor Specialized Loan Servicing LLC lisac@w-legal.com
Matthew Christian Waldt on behalf of Creditor Nationstar Mortgage LLC mwaldt@milsteadlaw.com, bkecf@milsteadlaw.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples TWP LLC sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
Thomas Song on behalf of Creditor PHH Mortgage Corporation pawb@fedphe.com
Thomas Song on behalf of Creditor PHH MORTGAGE CORPORATION pawb@fedphe.com
Thomas Song on behalf of Creditor Specialized Loan Servicing LLC pawb@fedphe.com

TOTAL: 12